

EXHIBIT A

Case Information

B-22-11-1301-CV | SARAH PEITZ vs. Republic EES, LLC, d/b/a Republic Services Energy Services/Republic Energy and Environmental Solutions

Case Number
B-22-11-1301-CV
File Date
11/02/2022

Court
161st District Court
Case Type
Discrimination > \$250K

Judicial Officer
Low, Justin
Case Status
Filed

Party

Plaintiff
PEITZ, SARAH

Active Attorneys ▼
Lead Attorney
KENNARD JR, ALFONSO
Retained

Attorney
Cobb, Samantha Marie
Retained

Defendant
Republic EES, LLC

Events and Hearings

11/02/2022 Original Petition (OCA) ▼

Comment

PLAINTIFF'S ORIGINAL PETITION

11/07/2022 Citation ▼

Requested By

PEITZ, SARAH

Served

11/08/2022 5:55 PM

Anticipated Server

Private Process Server

Anticipated Method

In Person

Actual Server

Private Process Server

Returned

11/17/2022 6:29 PM

Comment

EMAILED TO ATTORNEY

11/17/2022 Service Returned Served - by Private Process Server ▼

Comment

ON 11/18/22 AT 2:55 PM

11/23/2022 RULE 11 AGREEMENT

Financial

PEITZ, SARAH

Total Financial Assessment

\$375.00

Total Payments and Credits

\$375.00

11/3/2022 Transaction Assessment

\$375.00

11/3/2022 Payment

Receipt # 2022-006862-DC

Peitz, Sarah

(\$238.00)

11/3/2022 State Credit

(\$137.00)

CLERK OF THE COURT
CLARISSA WEBSTER
DISTRICT CLERK
300 N. GRANT AVE., RM. 301
ODESSA, TEXAS 79761

Attorney for Plaintiff
ALFONSO KENNARD JR.,
5120 WOODWAY DR., SUITE 10010
HOUSTON, TX 77056

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at [TexasLawHelp.org](https://www.texaslawhelp.org)."

TO: REPUBLIC EES, LLC, D/B/A REPUBLIC SERVICES ENERGY SERVICES/REPUBLIC ENERGY AND ENVIRONMENTAL SOLUTIONS DEFENDANT

GREETINGS: You are commanded to appear by filing a written answer to the Plaintiff's ORIGINAL PETITION at or before 10:00 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof, before the 161st District Court of Texas, at the Courthouse in Odessa, Texas.

Said Plaintiff's Petition was filed on **November 02, 2022**, at **8:43 PM o'clock**.

The file number of said suit being **B-22-11-1301-CV**.

The style of the case is:

SARAH PEITZ VS. REPUBLIC EES, LLC D/B/A REPUBLIC SERVICES ENERGY SERVICES/REPUBLIC ENERGY AND ENVIRONMENTAL SOLUTIONS

A copy of the Plaintiff's **ORIGINAL PETITION** accompanies this citation, issued on November 07, 2022.

GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at office in Odessa, Texas, on this the 7th day of November, 2022.



CLARISSA WEBSTER, CLERK
161ST DISTRICT COURT
ECTOR COUNTY, TEXAS

Signed: 11/7/2022 10:34:55 AM

By: Margarita Tercero
Margarita Tercero, Deputy

Anthony Collins

PSC-357

2022/11/08 15:33:25

ADDRESS FOR SERVICE:

**REPUBLIC EES, LLC D/B/A REPUBLIC SERVICES ENERGY SERVICES/REPUBLIC ENERGY
AND ENVIRONMENTAL SOLUTIONS
REGISTERED AGENT CT CORPORATION SYSTEM
1999 BRYAN ST., SUITE 900
DALLAS, TX 75201-3136
OR, WHEREVER HE/SHE MAY BE FOUND**

OFFICER'S RETURN

Came to hand on _____, 20____, at _____ o'clock __M. and executed in _____ County,
Texas by delivering to the within named _____,
in person, a copy of the CITATION, having first endorsed thereon the date of delivery, together with the accompanying
true and correct copy of the Plaintiff's **ORIGINAL PETITION**, on the ____ day of _____, 20____, at ____
o'clock __M. at _____ (place of service).

NOT EXECUTED FOR THE FOLLOWING REASONS: _____

SERVICE FEES: \$ _____

SHERIFF OF _____ County, Texas

Deputy/Authorized Person

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the
return. The return must either be verified or be signed under penalty of perjury. A return signed under penalty of
perjury must contain the statement below in substantially the following form:

"My name is _____, my date of birth is _____, and
(First, Middle, Last)

my address is _____.
(Street, City, State, Zip Code)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT."

Executed in _____ County, State of _____, on the _____ day of _____, 20____.

Declarant/Authorized Process Server

(Id # & expiration of certification)

CAUSE NO. B-22-11-1301-CVSARAH PEITZ
Plaintiff

VS.

REPUBLIC EES, LLC D/B/A REPUBLIC
SERVICES ENERGY SERVICES/
REPUBLIC ENERGY AND
ENVIRONMENTAL SOLUTIONS,
Defendant§
§
§
§
§
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§
§

IN THE DISTRICT COURT

____ JUDICIAL DISTRICT

ECTOR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES, Plaintiff Sarah Peitz ("Plaintiff" or "Ms. Peitz") in the above-referenced matter, complaining of and about Defendant Republic EES, LLC d/b/a Republic Services Energy Services/ Republic Energy and Environmental Solutions (hereinafter referred to as "Republic" or "Defendant"), and for cause of action will show unto the Court as follows:

1. PARTIES AND SERVICE

- 1.1 Plaintiff Sarah Peitz is an individual residing in Odessa, Texas.
- 1.2 Defendant Republic EES, LLC d/b/a Republic Services Energy Services/ Republic Energy and Environmental Solutions is a foreign for-profit corporation organized and existing under the laws of the State of Arizona. It is authorized to conduct business in the State of Texas. Defendant may be served by and through its registered Agent CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136.

2. DISCOVERY CONTROL PLAN

- 2.1 Plaintiff intends to conduct discovery under Level Two, as described in Rule 190.3 of the Texas Rules of Civil Procedure.

3. JURISDICTION AND VENUE

- 3.1 The Court has jurisdiction in the civil action because the relief sought and because the amount in controversy exceeds the minimum jurisdictional requirements of this Court. The Court has jurisdiction over the Defendant because it regularly and continuously conducts business in the State of Texas. Moreover, venue is proper in Ector County, Texas, pursuant to the Texas Civil Practice and Remedies Code §15.002, as that is the county where most of the events occurred.

4. CLAIM FOR RELIEF

- 4.1 Plaintiff seeks monetary relief over \$200,000 but not more than \$1,000,000 as set forth at Rule 47(c)(4) of the Texas Rules of Civil Procedure. Damages are in excess of the minimum jurisdictional limits of this court.

5. CONDITIONS PRECEDENT

- 5.1 All conditions precedent to Plaintiff's claim have occurred with regard to exhaustion of administrative remedies.

6. FACTS

- 6.1 Plaintiff began her employment with Defendant on February 6, 2017, as a dispatcher. On October 10, 2017, Plaintiff was promoted by Will Lunch, General Manager, to Operations Supervisor. On April 15, 2019, after admirably performing, Plaintiff was again promoted to Operations Manager by Michael Barrett, general manager. Notably, Ms. Peitz contributed meaningfully to her role(s) as evidenced from promotions and subsequent responsibilities. Moreover, she had no disciplinary record until the discriminatory actions of Chad Page.

- 6.2 On or about April 15, 2020, Defendant experienced a reduction-in-force (RIF) and reassignment of responsibilities to cover the lost workforce. In the reshuffle, Ms. Peitz was assigned a new responsibility that led to her relocation to Pecos, Texas. The newly assigned RIF responsibilities included Landfill, TRD Site Operations Manager, Hydro-Vac Manager, and Third-Party Trucking Manager.
- 6.3 After this reassignment, beginning on May 11, 2020, a demoted employee Chad Page, began to spread discriminatory statements based on Ms. Peitz's sex (female). Specifically, on at least three (3) known occasions, Mr. Page made discriminatory statements about her and her inability to qualify for her job because of her sex. These statements were heard by witnesses with personal knowledge, Ms. Beatriz Madrid and Mr. Oscar Lopez-Velarde.
- 6.4 Plaintiff complained to the General Manager, Mr. Matt King, about Mr. Page's discriminatory remarks about her sex and qualifications for her assigned responsibilities. In response to her protected complaint, Defendant not only failed to investigate Ms. Peitz's concern, but Defendant also dismissed her concern and advised her not to worry, as this type of behavior is normal when new roles are assumed.
- 6.5 On or about May 21, 2020, Defendant retaliated against Ms. Peitz by placing her on suspension, pending an investigation of complaints reported by Mr. Page.
- 6.6 While on suspension awaiting the results of the investigation, Ms. Peitz was notified that Mr. Page was persisting in bad-mouthing her because he believed that Ms. Page could not possibly be qualified for her position because of her sex. Ms. Beatriz Madrid has personal knowledge of these statements and efforts taken by Mr. Page in a campaign for Ms. Peitz's termination.

- 6.7 On June 2, 2020, Matt King, General Manager, and Kesha Madison, Human Resources Representative, notified Ms. Peitz that she should return all company property. Defendant did not provide a reason for the termination nor the results of the investigation which was prompted by unlawful discrimination.
- 6.8 After Defendant terminated Plaintiff without reason, Ms. Peitz discovered through former co-workers, Mr. William Cash and Ms. Beatriz Madrid, that she was allegedly terminated for “authorizing a truck into the facility.”
- 6.9 However, another male employee William Cash, Operations Supervisor committed the same action, yet was not disciplined, unlike Ms. Peitz allegedly resulting in her termination.
- 6.10 After her protected complaint to Mr. King, Defendant took no further action to address the discriminatory campaign launched by Chad Page. Instead, Defendant ratified the unlawful sex discrimination by seeking to terminate Ms. Peitz’s job, while allowing other male violators, William Cash among others, to continue working without penalty.

7. CAUSE OF ACTION

COUNT ONE: SEX (GENDER) DISCRIMINATION UNDER CH. 21 OF THE TEXAS LABOR CODE

- 7.1 Plaintiff incorporates by reference the allegations contained in paragraphs above, as if fully rewritten herein.
- 7.2 Defendant intentionally engaged in unlawful employment practices against Plaintiff on the basis of her sex (gender) in violation of Section 21.051 of the Texas Labor Code by discriminating against and harassing Plaintiff based on her sex and retaliation for engaging in protected activity of reporting the harassment based on her sex.
- 7.3 Defendant discriminated against Plaintiff in connection with the compensation, terms, conditions and privileges of employment or limited, segregated or classified Plaintiff in a

manner that would deprive or tend to deprive her of an employment opportunity or adversely affect her status because of Plaintiff's sex (gender) in violation of Section 21.051 of the Texas Labor Code.

- 7.4 Defendant discriminated against Plaintiff in the form of differential treatment with regard to employment, including continuing her employment in the form of hostile environment sexual harassment.

8. DAMAGES

- 8.1 As a direct and proximate result of the aforementioned arbitrary and capricious acts, the Plaintiff has suffered grievous harm, including, but not limited to, loss of income; humiliation and embarrassment among co-workers and others; sustained damage to Plaintiff's credibility.

9. JURY DEMAND

- 9.1 Plaintiff hereby makes Plaintiff's request for a jury trial in this cause pursuant to Rule 216 of the Texas Rules of Civil Procedure.

10. ATTORNEY'S FEES

- 10.1 Defendant's action and conduct as described herein and the resulting damage and loss to Plaintiff has necessitated Plaintiff retaining the services of KENNARD LAW, P.C. in initiating this proceeding. Pursuant to Chapter 21 of the Texas Labor Code and the Texas Civil Practice & Remedies Code §38.001(8), Plaintiff is entitled to recover its reasonable and necessary attorney's fees and costs incurred in this lawsuit.

11. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that Defendant to be cited to appear and answer, and that on final hearing of this cause Plaintiff have the following

relief:

- a. Judgment against Defendant, for actual damages sustained by Plaintiff as alleged herein;
- b. Judgment against Defendant, for backpay lost by Plaintiff as alleged herein;
- c. Order Plaintiff reinstated to Plaintiff's rightful place in Defendant's workforce and award Plaintiff the proper fringe benefits and seniority;
- d. Judgment against Defendant, for front pay by Plaintiff as alleged herein;
- e. Grant Plaintiff general damages for the damage to Plaintiff's reputation;
- f. Pre- and post-judgment at the highest legal interest rate;
- g. Punitive damages;
- h. Damages for mental pain and mental anguish;
- i. Exemplary damages;
- j. All costs of court expended herein; and
- k. Such other and further relief, at law or in equity, general or special to which Plaintiff may show Plaintiff justly entitled.

Respectfully Submitted,



A handwritten signature in blue ink, appearing to read 'A. Kennard, Jr.', is positioned above a horizontal line.

Alfonso Kennard, Jr.
Texas Bar No. 24036888
Alfonso.Kennard@kennardlaw.com
Samantha Cobb
Texas Bar No. 24120210
Samantha.Cobb@kennardlaw.com
5120 Woodway Dr., Suite 10010
Houston, Texas 77056
(713) 742-0900
(832) 558-9412 Facsimile

**ATTORNEYS FOR PLAINTIFF
SARAH PEITZ**



Littler Mendelson, P.C.
100 Congress Ave.
Suite 1400
Austin, TX 78701

Nicole LeFave
512.982.7261 direct
512.982.7250 main
nlefave@littler.com

November 22, 2022

VIA EMAIL—alfonso.kennard@kennardlaw.com & samantha.cobb@kennardlaw.com

Alfonso Kennard
Samantha Cobb
Kennard Law, P.C.
5120 Woodway Drive, Suite 10010
Houston, Texas 77056

Re: Cause No. B-22-11-1301-CV; *Sarah Peitz v. Republic EES, LLC d/b/a Republic Services Energy Services / Republic Energy and Environmental Solutions*, In the 161st Judicial District Court, Ector County, Texas

RULE 11 AGREEMENT

Dear Ms. Cobb:

Per our email correspondence on November 21 and 22, 2022, Plaintiff Sarah Peitz, through counsel of record, agreed to provide Defendant Republic EES, LLC d/b/a Republic Services Energy Services / Republic Energy and Environmental Solutions (“Defendant”) with a two-week extension to its Answer Deadline in the above-referenced matter. A copy of that email exchange is attached hereto as **Exhibit A**. Therefore, Defendant’s Answer Deadline is now **December 12, 2022**.

If this properly encompasses our Rule 11 Agreement, please sign in the signature line below and return to our office via email for filing with the Court. We appreciate your professional courtesy.

Respectfully,

/s/ Nicole LeFave

Nicole LeFave

AGREED:

Samantha Cobb
November 22, 2022
Page 2

A handwritten signature in black ink, appearing to be 'SC', is positioned above a horizontal line.

Samantha Cobb

Cc: Owen T. Hill, Esq. and Amanda L. Trull, Esq. (*pro hac vice pending*)

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Pia Reyes on behalf of Nicole LeFave
Bar No. 24085432
preyes@littler.com
Envelope ID: 70442900
Status as of 11/23/2022 1:32 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Nicole LeFave		nlefave@littler.com	11/23/2022 1:21:52 PM	SENT
Owen Hill		ohill@littler.com	11/23/2022 1:21:52 PM	SENT
Amanda Trull		atrull@littler.com	11/23/2022 1:21:52 PM	SENT
Pia Reyes		preyes@littler.com	11/23/2022 1:21:52 PM	SENT